

**THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION**

GUSTAVO ROMANELLO )  
ACELA ROMANELLO, )  
 )  
 PLAINTIFFS, )  
 )  
 VS. ) NO. 5:12-CV-00371-FL  
 )  
 BANKUNITED, INC., TRUSTEE )  
 SERVICES OF CAROLINA, LLC, )  
 BROCK & SCOTT, PLLC, RAGSDALE )  
 LIGGETT, PLLC, ASHLEY H. )  
 CAMPBELL, )  
 )  
 DEFENDANTS. )

**DEFENDANTS BROCK & SCOTT, PLLC AND TRUSTEE SERVICES OF CAROLINA,  
LLC'S MOTION TO DISMISS**

COMES NOW Defendants Brock & Scott, PLLC (“B&S”) and Trustee Services of Carolina, LLC (“TSC”) (B&S and TSC collectively referred to as “Moving Defendants”), by and through their undersigned attorneys, and respectfully move the Court to dismiss the Second Amended Complaint filed by Plaintiffs, Gustavo Romanello & Acela Romanello, (“Plaintiffs”) pursuant to Fed.R.Civ.P. 12(b)(6) for failure to state a claim upon which relief may be granted. In support thereof, Moving Defendants provide the memorandum in support filed contemporaneously with this motion.

WHEREFORE, Moving Defendants move this Court to dismiss Plaintiffs' Second Amended Complaint with prejudice and for such further relief that this Court deems just and appropriate.

Respectfully submitted this 8th day of August, 2013.

BROCK & SCOTT, PLLC

BY: /s/ Marc S. Asbill  
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**CERTIFICATE OF SERVICE**

I hereby certify that on August 8, 2013, a copy of the foregoing pleading, with any and all attachments, was filed electronically with the clerk of court via ECF and served via First-Class Mail, postage prepaid, addressed to:

Gustavo Romanello Acela Romanello 5317 Cottage Bluff Ln. Knightdale, NC 27545	Barbara B. Weyher Sean T. Partrick Yates, McLamb & Weyher, LLP P. O. Box 2889 Raleigh, NC 27602-2889 Attorney for BankUnited, Inc.
Robert S. Shields , Jr. Jonathan Whitfield Gibson Manning Fulton & Skinner, P.A. P. O. Box 20389 Raleigh, NC 27619 Attorney for Ragsdale Liggett, PLLC and Ashley H. Campbell	

BROCK & SCOTT, PLLC

BY: /s/ Marc S. Asbill  
Marc S. Asbill